

FREDERICK COUNTY PLANNING COMMISSION

June 13, 2012

TITLE: **Spring Hollow Farm Residential Cluster,
Lots 1-15.**

FILE NUMBER: **S-1103, AP 12739**

REQUEST: **Residential Cluster Concept Plan
Approval**

The Applicant is requesting concept plan approval for 14 Residential Cluster lots and a remainder lot on a 22.82-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at the southwest corner of Mussetter Road and West Hyatt Road, directly across from East Hyatt Road.
TAX MAP/PARCEL: Map 79, Parcel 173
COMP. PLAN: Low Density Residential
ZONING: R-1 Residential
PLANNING REGION: New Market
WATER/SEWER: W-3, S-3

APPLICANT/REPRESENTATIVES: [as applicable]

APPLICANT: NEXUS Energy Homes
OWNER: Roven Harris and Rolando Osorio
SURVEYOR/ENGINEER: Millennium Resource Engineering
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Mike Wilkins

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1- Concept Plan

STAFF REPORT

ISSUE

The Applicant is requesting concept plan approval for 14 residential cluster lots and a remainder lot on a 22.82-acre site.

BACKGROUND

This property has been the subject of several previous subdivision applications.

- Lot 1, "Wildcat Hill", was recorded in 1979 (Plat book 20, Page 74)
- Lots 2 and 3, "Wildcat Hill", were recorded in 1985 (Plat book 30 Page 168)
- In 1998, a Preliminary Plan for a 12-lot conventional R-1 subdivision was denied by the Planning Commission for inadequate school capacities.
- In 1998, a Preliminary Plan for a 5-lot conventional R-1 subdivision was conditionally approved by the Planning Commission. No further action was taken by the Applicant and the plan expired.

The current application is being reviewed as a Cluster Development under 1-19-10.100 of the Zoning Ordinance. Section 1-19-10.100.5 requires:

(A) A Concept Plan is to be submitted to the Planning Commission at least 60 days prior to the Commission meeting at which it is to be considered which shows:

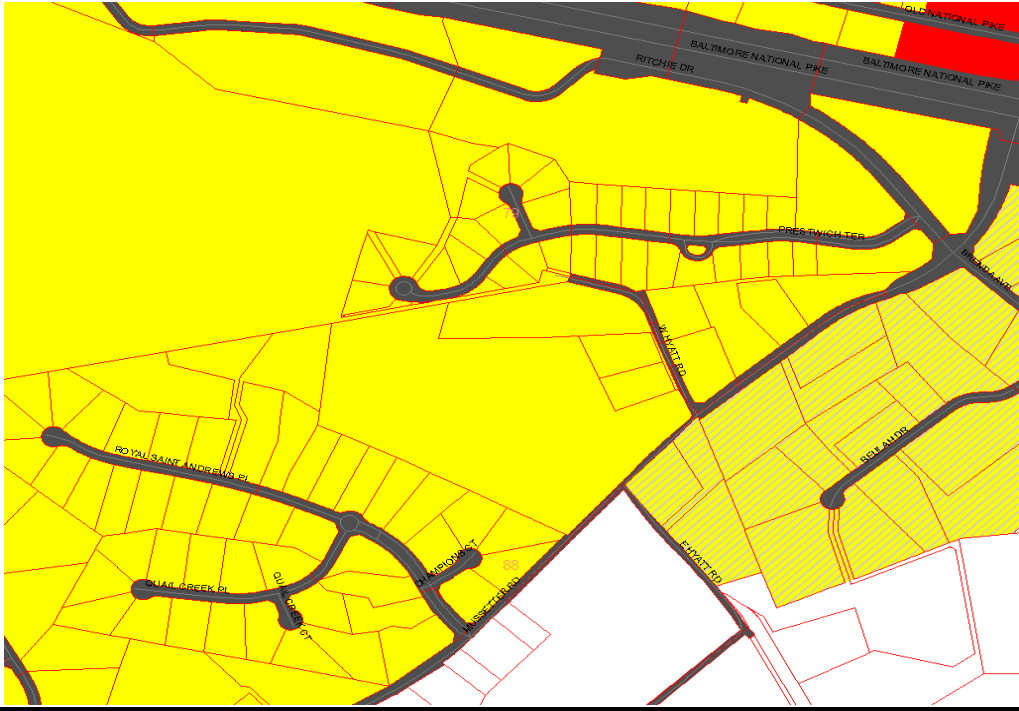
- (1) The type of dwelling unit (single-family, townhouse, garden apartment, etc.) and building restriction lines; and*
- (2) Street layout; and*
- (3) Green area system; and*
- (4) Vicinity map (Scale: no smaller than 1 inch equals 2,000 feet); and*
- (5) Topography with minimum 10 foot contours (USGS topographic maps are permitted for the concept plan); and*
- (6) Number of acres in the entire tract; and*
- (7) Overall dwelling unit density.*

(B) If the concept plan is approved by the Commission, the developer will then proceed with platting of the development in accordance with the subdivision regulations.

Existing Site Characteristics

The 22.82 acre site is primarily unforested open ground. A pond is located in the southeast corner of the property, fed by a small stream that runs parallel to the southern property line. A historic residential structure and typical farm assessorly structures are situated on the proposed Lot 1-remainder. The site is surrounded by residential lots and borders the Holly Hills Country Club.

COMPREHENSIVE PLAN



DEVELOPMENT SITE AND SURROUNDINGS



ANALYSIS

A. CLUSTER DEVELOPMENT REGULATIONS

1. **Purpose §1-19-10.100:** *The purpose of cluster development is to provide a method of development that permits variation in lot sizes without an increase in the overall density of population; that allows home buyers a choice of lot sizes according to their needs; that preserves green space, tree cover, scenic vistas, natural drainage ways, or preserves features of outstanding national topography; in order to prevent soil erosion and provide green areas for rest and recreation.*

The cluster plan illustrates a variation in lot size without increasing the overall density. With the exception of Lot 1-remainder, the lots range in size from 0.45 acres to 1.12 acres, the average lot size being 0.76 acres. Lot 1-remainder is 4.25 acres and contains a historic house, barn, and outbuildings. This lot is larger in size to allow the owner to keep her horses on the site and maintain a buffer around the historic site. Roughly 5.71 acres of green space, tree plantings, and the natural drainage way, will be owned and maintained as open space by the homeowners association.

2. **Districts Where Permitted §1-19-10.100.2:** *In all R Districts, the Planning Commission in approving subdivision plats, may permit modifications in lot area, lot width, yards (building restriction areas) including zero lot lines, or other requirements. Use regulations are governed by the zoning district in which the development is located. Cluster development is not permitted unless public water and public sewer are provided.*

The Applicant is seeking approval of the permitted modifications in lot area, as 11 of the proposed 15 lots do not meet the typical 40,000 square foot lot size requirement for the R-1 zoning district. The lots will meet all other R-1 standards. Public water and sewer will service the site.

3. **Density Determination and Design Requirements §1-19-10.100.3:** *The average dwelling unit density will be no greater than the permitted density for the district in which the units are located. For the purposes of this division, **DENSITY** means the maximum number of dwelling units which could be built on net developable land area in the zoning district. Net developable land is that land remaining after flooding soils areas and rights-of-way for principal highways have been deducted from the gross site area.*

After deducting the flooding soils and the right of way dedication for Mussetter Road, the net developable area is 15.55 acres (677,358 square feet), which permits a density of 16 lots under the standard R-1 dimensional requirements. The Applicant is proposing 15 lots.

4. **Green Area Space Requirements §1-19-10.100.4:** *Reduction of individual lot areas will be reserved as green area. The county may accept the conveyance of the green areas or it shall be conveyed to a nonprofit home[owner]'s association.*

The Applicant is proposing to convey 5.71 acres of open space to the homeowners association.

Cluster Development Regulations Findings/Conclusions

The proposed subdivision will meet all cluster development regulations.

B. SUBDIVISION REGULATION REQUIREMENTS

1. **Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the Spring Hollow Farm Residential Cluster Concept Plan, Lots 1-15*

proposed subdivision.

The proposed land use and subdivision design complies with the Comprehensive Plan and meets Zoning Ordinance requirements.

- 2. Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site contains flooding soils, a stream, pond, and a small area of forest. All of these natural features will be preserved as an open space. Forest planting along the water bodies will further enhance the environmentally sensitive area and provide screening from the adjoining residential subdivision. The proposed development is similar to the surrounding properties in regards to design and proposed use.

Subdivision Regulation Requirements Findings/Conclusions

The proposed subdivision will meet these Subdivision Regulations.

A. ACCESS

- 1. Public Facilities §1-16-12 (B)(3)(b):** *For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.*

The lots will access a proposed cul-de-sac (Spring Hollow Court) that will be constructed with the typical 20 foot wide paved surface and dedicated to the County for public use. Mussetter Road is a publically maintained road with a 20 foot wide paved surface. Staff has no objection to the proposed cul-de-sac. The Planning Commission will consider final approval of the new public street during their review of the Preliminary Plan application, which will follow concept plan approval.

Access Findings/Conclusions

The proposed lots will meet all County access requirements.

B. WATER AND SEWER FACILITIES

- 1. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a water and sewer classification of W-3, S-3 and must utilize public facilities. The Division of Utilities and Solid Waste Management will make a determination of adequacy at the time of Preliminary Plan and APFO application, which will follow concept plan approval.

C. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter §1-15.2: This subdivision will address SWM at the time of Preliminary Plan application.

APFO – Chapter §1-20: This subdivision will address APFO schools, roads, public water, and public sewer at the time of Preliminary Plan application.

Forest Resource Ordinance – Chapter §1-21: The Applicant has filed a FRO application and proposes to meet the FRO requirements by preserving the 0.49 acres of existing forest and planting 3.12 acres of new forest along the stream and pond areas.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditionally Approved. SWM requirements to be determined at Preliminary Plan stage.
Development Review Planning:	Hold. Must meet all agency and FcPc comments and conditions.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Hold: Comments regard meeting minimum utility easement requirements and resolving potential conflicts between new and existing service lines. <i>These issues are typically addressed at the Preliminary Plan and Improvement Plan stage.</i>
Health Dept.	Approved.
Office of Life Safety	N/A. They will review the plan at the Preliminary Plan stage.
DPDR Traffic Engineering	Approved. They will review the plan at the Preliminary Plan and APFO stage.
Historic Preservation	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the concept plan.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements. Should the FcPc grant approval of this application (S-1103, AP 12739) and allow the Applicant to proceed to the preliminary plan stage, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The approval of this plan does not guarantee approval of future preliminary plans or final plats. All future applications shall be reviewed and approved in the normal manner and in accordance with all applicable regulations.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE S-1103 (AP 12739) with conditions** as listed in the staff report for the proposed residential cluster concept plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.